



702 H Street, NW, Suite 300, Washington, DC 20001  
Tel: 202-462-1177 • Fax: 202-462-4507

FOIA Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460

July 14, 2015

Dear FOIA Officer:

In accordance with the Freedom of Information Act (FOIA), 5 USC Sec. 552, Greenpeace requests a copy of each of the following documents, or access to them for inspection or duplication, which are in the possession of or generated by the U.S. Environmental Protection Agency (EPA):

- All correspondence between U.S. EPA representatives and representatives of Royal Dutch Shell plc, Shell Oil Company, Shell Gulf of Mexico Inc., and other subsidiaries or contractors (hereafter "Shell") related to oil drilling in the Alaska Outer Continental Shelf region. This includes paper or electronic copies of written or oral communications, such as emails, letters, meeting notes, telephone transcripts and radio communications.
- Please include any information, correspondence or documents concerning Shell's application for coverage under the National Pollutant Discharge Elimination System (NPDES) Chukchi Sea General Permit for its activities on the Alaska Outer Continental Shelf.
- Please include any information, correspondence or documents concerning potential modifications to Shell's permits, the use of remote operated vehicles (ROVs), the construction of the mudline cellar (MLC), or other issues concerning discharges into the ocean.
- Please include a copy of the white paper provided to EPA by Shell regarding the use of ROVs to excavate the MLC, as well as any revisions or comments made by EPA on the draft paper.

We are not requesting contact information for Shell representatives; please only include their names.

We request that you search the above records for the time period beginning January 1, 2013 through the date on which this request is processed.

Please provide responsive documents in electronic format via email, if possible. If responsive documents must be provided via hardcopy or electronic media, please mail those documents to Greenpeace, 1661 Mission St., San Francisco, CA 94103.

#### FEE CATEGORY

Greenpeace seeks the above listed records for noncommercial use as a representative of the news media. Greenpeace qualifies as a news media organization under the definition provided by Congress in the OPEN Government Act because it “gathers information of potential interest to a large segment of the public, and uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.”

Greenpeace is seeking this FOIA request because the information in it is of interest to members of the public, including citizens that regularly acquire information through our extensive range of publications. These publications include websites, blogs, newsletters, reports, press statements, social media networks

such as Facebook, Twitter, and Flickr, videos, presentations and demonstrations at various venues. In addition, Greenpeace reaches out to many traditional news media outlets that regularly broadcast our publications through television, radio, print and electronic articles and interviews.

Greenpeace plans to compile the information from this request into a distinct, original work that will be released to the public through the publications listed above. Greenpeace also plans to make the responsive documents available to the public through its website.

#### FEE WAIVER

Greenpeace seeks a waiver of fees accompanying fulfillment and processing of this FOIA request. In the paragraphs below, Greenpeace addresses the 6 factors that are used to determine whether the fee waiver requirements are met.

- 1) Greenpeace is not seeking documents in order to obtain intrinsic information about Shell or its operations. Greenpeace is solely seeking information on preparations for the 2015 Arctic-drilling season.
- 2) Greenpeace has not found publicly available information describing the EPA's regulation of the 2015 Arctic-drilling season.
- 3) Greenpeace employs an array of analysts, researchers and natural resources specialists that have expertise in environmental activities and policies and their potential impacts on people and ecosystems. For 40 years, concerned citizens have trusted this expertise and relied on Greenpeace to serve as a government watchdog, exposing activities that may be harmful or beneficial to the environment.

Our website provides an extensive archive of publications from the past 40 years, including blogs, newsletters, reports, press statements, articles, Facebook, Twitter, videos and other presentations that expose a large range of government activities that impact the environment, including U.S. government and international governments.

Per our tradition, Greenpeace would compile the information provided through this FOIA request into a distinct, original work that includes our perspective on how the disclosed activities may impact the environment. We would disseminate this work to the public through the range of media listed in the previous paragraph. We would also reach out to traditional news media outlets that regularly broadcast our publications through television, radio, print and electronic articles and interviews.

In addition, Greenpeace also hosts a FOIA website that archives over 4,000 scanned documents that were obtained through other FOIA requests. Greenpeace references documents on this site and frequently refers news reporters, researchers and writers to this site. The address is <http://research.greenpeaceusa.org> and documents from this FOIA request will be uploaded to this site.

- 4) Greenpeace is a leading organization working to protect natural resources in the Arctic and as such receives an enormous and increasing amount of public questions and concerns about potential environmental impacts of oil drilling in the region. Much of the public is uncertain about the government's efforts and resources to mitigate these potential impacts. Fulfillment of this request would shed light on the EPA's actions and efforts so far.
- 5) Greenpeace is a non-profit public interest organization that seeks solutions to environmental dilemmas and promotes open, informed debate about society's environmental choices. Greenpeace's

primary activities are bearing witness to environmental destruction, using direct confrontations to raise the level and quality of public debate, and exposing threats to the environment and finding solutions. Greenpeace maintains financial independence from political and commercial interests. We do not intend to make a profit from the information provided through this FOIA request.

- 6) Greenpeace has no commercial interest in this material and does not intend to disclose the information to data brokers or others who compile and market government information for economic return. Whereas our work generates donations from concerned donors, this income serves to perpetuate our activities and not to provide a profit to individuals associated with Greenpeace. With such limited or non-existent commercial interest, it is clear that the public interest in disclosure is far greater in magnitude than Greenpeace's commercial interest.

In as much as Greenpeace is making this request in the course of carrying out its public education and nonprofit activities, we request that charge for duplicating be waived.

If you deny all or any part of this request, please cite each specific exemption that you believe justifies your withholding of information. Please be sure to notify me of appeal procedures available under the law in the event of any denial. I am happy to work with your office to clarify this request if necessary.

Please contact me with any questions regarding this request at (916) 548-6519 or [kristina.flores@greenpeace.org](mailto:kristina.flores@greenpeace.org).

Thank you,

Kristina Flores  
Research Assistant  
Greenpeace USA  
[kristina.flores@greenpeace.org](mailto:kristina.flores@greenpeace.org)  
mobile: 916.548.6519